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8 *NaphCare, Inc., Harry Duran, M.D., and*  
9 *Kendra Meyer*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
12

13 MICHAEL RODRIGUEZ,

14 Plaintiff,

15 vs.

16 NAPHCARE, et al.,

17 Defendants.  
18  
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CASE NO. 2:17-cv-02344-RFB-DJA

**DEFENDANTS LARRY WILLIAMSON,  
M.D., RAYMOND MONDORA, M.D.,  
JAMES ANTHONY, D.O., ERIC  
LOPEZ, P.A., NAPHCARE, INC., HARRY  
DURAN, M.D., AND KENDRA MEYER'S  
EMERGENCY MOTION TO EXTEND  
TIME TO RESPOND TO PLAINTIFF'S  
OPPOSITION TO MOTION TO STRIKE  
[ECF NO. 236]**

20 COME NOW Defendants Larry Williamson, M.D., Raymond Mondora, M.D.,  
21 James Anthony, D.O., Eric Lopez, P.A., NaphCare, Inc., Harry Duran, M.D. and Kendra  
22 Meyer ("Defendants") by and through their attorneys of record, LEWIS BRISBOIS  
23 BISGAARD & SMITH LLP, and submit their Emergency Motion to Extend Time to  
24 Reply to Plaintiff's Opposition to Defendants' Motion to Strike [ECF No. 236] pursuant to  
25 Fed. R. Civ. P. 6(b)(1) and LR IA 6-1. Defendants' Response is currently due August 11,  
26 2020. An extension of 14 days is requested, with a new due date for Defendants' Reply of  
27 Tuesday, August 25, 2020. This Motion is made and based upon the following  
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1 Memorandum of Points and Authorities.

2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 Pursuant to Fed. R. Civ. P. (b)(1) and LR IA 6-1, Defendants herein respectfully  
 4 request a 14 day extension of time to file and serve their Reply to Plaintiff's Opposition to  
 5 Defendants' Motion to Strike. The ultimate issue to be determined in the Motion to Strike  
 6 is whether Plaintiff's recently filed Motion Presenting the Court with Competent Medical  
 7 Evidence in Support of ECF No. 134 [ECF No. 229] violated this Court's prior Order  
 8 precluding Plaintiff from filing additional requests for reconsideration of his Motion for  
 9 Temporary Restraining Order and Preliminary Injunction. [ECF No. 223]. As specified in  
 10 the Order, Plaintiff was prohibited from filing additional motions for reconsideration  
 11 "without conflicting competent medical evidence and testimony or a citation to a relevant  
 12 change in the law that would warrant the relief sought." *Id.* at 7:2-4.

13 Despite the mischaracterization contained in the title of his pleading, Plaintiff's  
 14 Motion Presenting the Court with Competent Medical Evidence is void of conflicting  
 15 competent medical evidence and/or a citation to a relevant change in the law. To the  
 16 contrary, the second addendum to Plaintiff's lumbar MRI report (which was procured by  
 17 Plaintiff and relied upon in his recent Motion as constituting "conflicting competent  
 18 medical evidence") specifically reiterates that the initial MRI findings were "correct" and  
 19 consisted of "no significant disc herniation, spinal or neuroforaminal stenosis." *See*  
 20 Exhibit "C" to Defendants' Motion to Strike.

21 In response to Plaintiff's Motion, Defendants were forced once again to forward  
 22 Plaintiff's newest medical theory to its orthopedic surgeon expert witness, William Warren  
 23 Brien, M.D. for review and analysis. Dr. Brien reviewed the second addendum and opined  
 24 the information contained therein is certainly not conflicting with the prior reports. More  
 25 particularly, Dr. Brien opined the new information is orthopedically insignificant (the  
 26 reason it was not mentioned in the initial report and first addendum) and does not provide  
 27 medical support for Plaintiff's continued contention that he requires back surgery. Further,  
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1 it is obvious from the careful language used by the radiologist in the second addendum that  
2 the additional finding was provided in response to Plaintiff's request, not because the  
3 radiologist determined that the finding was significant. The radiologist went to lengths to  
4 describe the finding as something that "*can* be mentioned" and he was "uncertain that [the  
5 finding] is the cause of patient's symptoms/conditions." *Id.* [Emphasis added].

6 Although the lack of conflicting medical evidence is obvious from a reading of the  
7 second addendum alone, Defendants appreciate the Court's repeated statements that it will  
8 not substitute its judgment in these matters for the judgment of a medical professional.  
9 Therefore, Defendants want to ensure the Court is provided with Dr. Brien's updated  
10 opinions regarding the second addendum's [lack of] medical significance to Plaintiff's  
11 back complaints. Defendants are currently waiting for Dr. Brien's signed Declaration to  
12 attach to their Reply to Plaintiff's Opposition.

13 Defendants anticipate receiving the signed Declaration shortly and will, thereafter,  
14 file their Reply. The requested 14 day extension of time should provide more than  
15 sufficient time.

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**CONCLUSION**

Based on the foregoing, Defendants Larry Williamson, M.D., Raymond Mondora, M.D., James Anthony, D.O., Eric Lopez, P.A., NaphCare, Inc., Harry Duran, M.D. and Kendra Meyer respectfully request the Court grant an extension of time to reply to Plaintiff's Opposition to Defendants' Motion to Strike [ECF No. 236] up to and including August 25, 2020. The extension is sought in good faith, and not to delay resolution of this matter.

DATED: August 10, 2020.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Katherine J. Gordon

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Inc., Harry Duran, M.D., and Kendra Meyer*

**IT IS SO ORDERED**



UNITED STATES DISTRICT JUDGE

DATED: August 11, 2020

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP, and that on this 10<sup>th</sup> day of August 2020, I did cause a true copy of **DEFENDANTS LARRY WILLIAMSON, M.D. , RAYMOND MONDORA, M.D., JAMES ANTHONY, D.O., ERIC LOPEZ, P.A., NAPHCARE, INC., HARRY DURAN, M.D., AND KENDRA MEYER'S EMERGENCY MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S OPPOSITION TO MOTION TO STRIKE [ECF NO. 236]** to be served via electronic service by the U.S. District Court CM/ECF system to the parties on the Electronic Filing System:

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And to be placed in the United States Mail on August 11, 2020, with first class postage prepaid thereon, and addressed as follows:

Michael Rodriguez  
1893015  
Clark County Detention Center  
330 South Casino Center  
Las Vegas, NV 89101  
*Plaintiff in Pro Se  
VIA U.S. MAIL ONLY*

By /s/ Johana Whitbeck  
An Employee of LEWIS BRISBOIS  
BISGAARD & SMITH LLP